

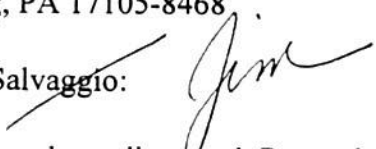


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107-4431

February 18, 1998

James M. Salvaggio
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 8468
Harrisburg, PA 17105-8468

Dear Mr. Salvaggio:

As we have discussed, Pennsylvania must submit its enforcement/implementation protocol for enforcement of the fuel volatility requirements of the clean gasoline regulation for the Pittsburgh-Beaver Valley nonattainment area. During the rulemaking conducted by the Commonwealth for the adoption of this regulation, several comments were submitted to the public record inquiring as to the enforcement procedures which your agency intend to employ to enforce this regulation. These comments were submitted not only by EPA but by the regulated community as well.

The attachment to this letter lists the items which must be addressed in such a protocol. If your staff have any questions regarding these requirements, they should not hesitate to contact Jill Webster at (215) 566-2033. Jill is the project officer assigned to this State Implementation Plan revision.

Sincerely,



Marcia Spink, Associate Director
Air Programs, Air Protection Division

ATTACHMENT

The “dual fuel” rule that Pennsylvania has promulgated requires special enforcement attention by the Commonwealth. As was repeatedly emphasized during the Stakeholder Process, by not opting into the federal RFG program, the Commonwealth assumes the burden of enforcing compliance with the regulation. That job is made far more difficult by allowing two different fuels in the area. The Commonwealth’s enforcement protocol must be prescriptive in order for there to be confidence in the integrity of the program. The following information is vital to the enforcement and approval of this rule:

- Fuel must be segregated in the pipeline and at the retail level. It should be specifically stated that both fuels be segregated at each entity in the dispensing network. A Standard Operating Procedure should be developed for retailers to follow that would ensure that the tank is drawn down to a minimum volume before a different complying fuel can be added. Mixing of low RVP and RFG will not result in a complying fuel and should be prohibited.
- Since record keeping is a crucial factor in the enforcement of this rule, it is also necessary for paperwork to be onsite with the retailer. It should be stated that the retailer always have documents, bill of lading, etc. pertinent to the fuel that is present in their tanks. Inspectors will need all required paperwork at the time of testing in order to make a compliance determination.
- The Commonwealth’s protocol should include a commitment to inspect a minimum percentage of the stations in the nonattainment area between June 1 and September 15. 40% is suggested.
- The Commonwealth’s protocol needs to specify a test tolerance. Based on the Simple Model for RFG the federal test tolerance is 0.3 psi. EPA suggests that Pennsylvania include a 0.3 psi test tolerance in their enforcement policy for both RFG and low RVP fuel.
- Pennsylvania needs to detail what happens to noncomplying fuel.